



**DECLARATION UNDER 37
CFR 1.132 OF KEITH
PALMER**

Application #	08/981,665
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First Inventor	CIPKOWSKI
Art Unit	1641
Examiner	Grun, James Leslie
Docket #	P08948US01/BAS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

I, Keith Palmer, declare as follows:

1. I am currently the Chief Financial Officer, Principal Accounting Officer, Executive Vice President of Finance, and Treasurer of American Bio Medica Corporation ("ABMC"), the Assignee of the above-identified case. I am familiar with the sales of the products of my company for the past ten years and the facts that are set forth herein with regard to sales of devices covered by the above-identified patent application. ABMC is a company that specializes in the development, manufacture, and marketing of immunoassay diagnostic test kits for the point of collection (POC) screening for drugs of abuse.

2. Since approximately 1997, ABMC has been manufacturing and selling a product known as the Rapid Drug Screen®, a POC test kit that detects the presence or absence of drugs of abuse in a urine specimen, including a test card designed to effectuate the actual drug tests. The test card used in these kits is a drug of abuse test card for testing fluid samples having a plurality of immunoassay test strips having immunoassay means to visually indicate the presence or absence of a selected drug of abuse as claimed in the above-identified patent application.

3. Since we first started selling our Rapid Drug Screen® product, it has been a commercial success for ABMC in the crowded field of POC testing kits, and sales of this product quickly rose to the millions of dollars annually. In particular, sales of this product have been at least 7 million dollars annually since the year 2000, with annual sales exceeding 8 million dollars in the years 2002 through 2004. Total sales of this product since 1997 have exceeded 60 million dollars. The Rapid Drug Screen® product which embodies the invention covered by the claims of the above patent application has thus been ABMC's highest selling product and has achieved commercial success in the marketplace.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date :

Keith Palmer